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Transcript of Daniel L. Cramer

Date: May 8, 2024

Case: Futrell -v- Cramer

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

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TOWANDA R. FUTRELL,	:	
Plaintiff,	:	Case No.
vs.	:	4:23-cv-00118-JKE-DEM
DANIEL L. CRAMER, et al.,	:	
Defendants.	:	

Deposition of DANIEL L. CRAMER

Conducted Virtually

Wednesday, May 8, 2024

2:11 p.m. EST

Job No.: 536847

Pages: 1 - 104

Recorded By: Richard Kurwitz

1 Deposition of DANIEL L. CRAMER, held virtually.

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13 Pursuant to Notice, before Richard Kurwitz,

14 Notary Public, in and for the Commonwealth of

15 Virginia.

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A P P E A R A N C E S

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A P P E A R A N C E S (Continued)

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E X H I B I T S

(None marked.)

1 P R O C E E D I N G S

2 THE REPORTER: I am a notary authorized
3 to administer oaths and this deposition will be
4 recorded by electronic means. All parties
5 understand and agree that any certified transcript
6 produced from the recording of this proceeding is
7 intended for all uses permitted under applicable
8 procedural and evidentiary rules and laws and
9 shall constitute written stipulation.

10 The parties stipulate to the use and
11 certification of this testimony consistent with
12 applicable law of such. Hearing no objection, I
13 will now swear the witness.

14 Whereupon,

15 DANIEL L. CRAMER,
16 being first duly sworn or affirmed to testify to
17 the truth, the whole truth, and nothing but the
18 truth, was examined and testified as follows:

19 EXAMINATION BY COUNSEL FOR THE PLAINTIFF
20 BY MR. FITZPATRICK:

21 Q All right. Good afternoon, Mr. Cramer.
22 My name is Chris -- Christopher FitzPatrick. I'm

1 an attorney with Morgan & Morgan, and we represent
2 the Plaintiff, Towanda Futrell, with regard to
3 this lawsuit.

4 Today I'm going to be asking you a series of
5 questions regarding a very tragic incident that
6 occurred on December 16th, 2022. And I'm going to
7 be asking you to keep your voice up and to listen
8 to the question that's asked. And I want to
9 remind you that you're under oath under the
10 penalties of perjury; you understand that?

11 A I do.

12 Q Okay. If at any time you want to take a
13 break because you're not feeling well or you have
14 to go to the bathroom, just let me know and I'll
15 stop the deposition; okay?

16 A Okay.

17 Q How old are you, sir?

18 A 62. I just had a birthday in March, so
19 --

20 Q Okay. And where are you presently
21 employed?

22 A Meadowview Rehab -- Health and Rehab.

1 Q And what do you do for them?

2 A I -- I work two jobs. I'm also employed
3 at HCI, which is another -- it's a -- it's a
4 nursing home. They're both nursing homes.

5 Q And when did you start working for them?

6 A I think back in December.

7 Q December of 2023?

8 A Correct.

9 Q Okay. And how long you -- were you
10 driving a vehicle before this incident in December
11 of 2022?

12 A Approximately 15 years.

13 Q And you were trained in how to drive a
14 tractor trailer?

15 A Did you ask if I was trained?

16 Q Yes.

17 A Yes.

18 Q Okay. Who is AV Leasing?

19 A I don't know.

20 Q You don't -- they're the owner of the
21 car -- the owner of the truck?

22 A That's unknown to me.

1 MR. VOYLES: Objection. Asked and
2 answered.

3 BY MR. FITZPATRICK:

4 Q Okay. You don't -- you don't know whose
5 truck you were driving; is that your testimony,
6 sir?

7 A My testimony is that I was employed by
8 Triton and as far --

9 Q Triton?

10 A -- as I know, I was driving their truck.

11 Q How do you spell that?

12 A T-R-I-T-O-N.

13 Q T-R-I-T-O-N. Okay. And how long were
14 you employed with Triton?

15 A I think approximately two years. I was
16 employed there and then left and then came back.

17 Q Okay. Let's go back to your training.
18 When did you receive training on how to drive an
19 18 wheeler? I understand this was an 18 wheeler;
20 correct?

21 A Yes.

22 Q Okay. When did you -- when did you

1 receive --

2 A Back in --

3 Q -- training?

4 A -- in 2006.

5 Q Okay. And how old were you in 2006?

6 A How old was I?

7 Q Yes.

8 A I'd have to do the math. I was born in
9 '61, so --

10 Q So 44, 45 -- 45 years old?

11 A Yeah. Whatever the math is.

12 Q Okay. About 45 years old. And did you
13 ever drive a truck before 2006?

14 A No.

15 Q Okay. What did you do before 2006?

16 A I was a nurse.

17 Q I -- I'm sorry?

18 A I was a nurse.

19 Q Nurse. Okay. And how long were you a
20 nurse for?

21 A Approximately 15 years.

22 Q Okay. And where were you a nurse?

1 A Lansing, Michigan.

2 Q Where in Lansing, Michigan? What --
3 what was the name of the company who worked for --
4 the healthcare organization that you were a nurse?

5 A Well, I worked for several companies.
6 Most notably -- I'm trying to remember the
7 hospital that I worked at -- Lansing General.

8 Q Lansing General?

9 A Yeah. And that was -- that was bought
10 out by Ingham Regional.

11 Q Okay. I want to get back to your
12 training in 2006; okay? Can you explain to me
13 what training you had in 2006?

14 A I went through ABC Testing & Training.

15 Q What's that, I'm sorry?

16 A ABC Testing & Training.

17 Q Okay.

18 A I -- as I recall, it was in Hoover,
19 Michigan.

20 Q In where -- what -- can you keep up your
21 voice, sir? Where in Michigan?

22 A Hoover, H-O-O-V-E-R, if I remember

1 right.

2 Q Okay.

3 A And what type -- what did that training
4 consist of? Can you be very -- more specific?

5 Q Well, they teach you how to drive a semi
6 truck, you know, how to back up, how to go
7 forward, how to do the paperwork, you know, the --
8 how to manage your logbook.

9 A Okay. And explain to me what they did
10 with regard -- with an 18 wheeler, don't you have
11 a -- it's a -- it's a crankshaft? It's a shift --
12 it's a shift?

13 Q I'm sorry?

14 A How do you operate the 18 wheeler?
15 Isn't there but -- gears? Isn't there a
16 gearshift, a crankshaft type of thing?

17 Q Well, those are -- those are two
18 different things. If you're asking me if they had
19 an automatic transmission or if it has a standard
20 transmission; is that what you're asking?

21 A I'm asking you that -- which -- back in
22 2006 and whether you were trained on both of them?

1 Q I was trained on both.

2 A Okay. And you --

3 Q I --

4 A You were also trained that you could not
5 drive for a certain amount of time. You could
6 only log in hours and only be on the road for a
7 certain amount of hours at a shift?

8 Q Correct.

9 A Okay. And on the date of this incident,
10 is it true or not true that you were -- you
11 exceeded the hours that you were on -- that you
12 were allowed to drive that day?

13 Q I'm -- I'm not -- I'm not sure about
14 that question.

15 A Well, let me ask you this. When you --
16 let's go -- go back to Triton. You worked for
17 Triton, all right? Did Triton have certain
18 policies when you became employed there two years
19 before this incident regarding only be on the road
20 for a certain amount of hours, and if so, what was
21 that amount of hours?

22 Q I -- I followed Triton's policy to the

1 letter.

2 A Okay. Is it your testimony that you
3 followed the policies to the T and to the law in
4 this particular case in being on the -- at -- on
5 the road for a certain amount of hours?

6 MR. VOYLES: Object to form. Go ahead
7 and answer.

8 THE WITNESS: I -- I'm still not
9 following the -- the question. I -- I -- I -- I
10 just said --

11 BY MR. FITZPATRICK:

12 Q I'll make it -- I'll make it easy for --
13 how many hours are you allowed to be on the road?
14 Let's make it easy.

15 A 11 hours.

16 Q I'm talking per day.

17 A Yeah.

18 MR. VOYLES: Asked and answered.

19 THE WITNESS: 11 hours.

20 BY MR. FITZPATRICK:

21 Q How many hours?

22 A 11.

1 Q 11 hours. And on the day of this
2 incident, this happened kind of in the morning, it
3 was 1:30, police report it as 1:38 a.m.; correct?

4 A Probably.

5 Q Okay. That's what the police report
6 says; have you reviewed the police report?

7 MR. VOYLES: Object to form.

8 THE WITNESS: I haven't seen it.

9 BY MR. FITZPATRICK:

10 Q Okay. So you received training also at
11 this company; correct?

12 MR. GRAVES: Object to form. That's
13 unclear as to --

14 MR. FITZPATRICK: Well --

15 MR. GRAVES: -- what you're talking
16 about --

17 MR. VOYLES: Joined.

18 BY MR. FITZPATRICK:

19 Q Well, let's go back. What type of
20 training did you receive -- did you receive
21 similar training with this company that -- on how
22 to operate an 18 wheeler that you did back in

1 2006?

2 A No.

3 Q Okay. You didn't receive any training?

4 MR. VOYLES: Objection.

5 BY MR. FITZPATRICK:

6 Q Did you -- did you receive training with
7 regard to how many hours that you could be on the
8 road and operate a vehicle -- a 18 wheeler?

9 MR. VOYLES: Objection. Asked and
10 answered. Go ahead and answer.

11 THE WITNESS: I -- I was -- I was
12 trained how to operate the -- the Qualcomm, the
13 electronic logbook. I was -- I was trained on
14 that as -- if that's your -- that's your question.

15 BY MR. FITZPATRICK:

16 Q All right. Was there a policies and
17 procedures -- written procedures and policies as
18 to how long you could be on the road? I think you
19 said 11 hours; correct?

20 MR. VOYLES: Objection. Asked and
21 answered. Go ahead and answer.

22 THE WITNESS: Correct.

1 BY MR. FITZPATRICK:

2 Q Okay. Where did you -- where were you
3 coming from that day? Where was -- when did you
4 first -- when did you first start driving that
5 truck that day?

6 A I -- it was -- I started that shift at
7 the rest area just east of the Pilot.

8 Q No, I'm not asking that shift there.
9 I'm asking the day before, when did you start
10 driving that vehicle without an eight hour rest?

11 MR. GRAVES: Objection.

12 MR. VOYLES: Objection to form.

13 THE WITNESS: I -- I'd have to look at
14 my logbook. I -- I don't -- I don't recall any --
15 I mean, that's a year-and-a-half ago.

16 BY MR. FITZPATRICK:

17 Q You don't remember stating to the police
18 that you were -- you were driving over the time
19 that you were supposed to be?

20 MR. VOYLES: Object to form.

21 THE WITNESS: I don't recall saying
22 that.

1 BY MR. FITZPATRICK:

2 Q You don't recall saying that in any --
3 to your supervisors as well. Is that --

4 MR. VOYLES: Same objection.

5 BY MR. FITZPATRICK:

6 Q Is that your testimony?

7 A I didn't -- I didn't talk to my
8 supervisor.

9 Q Okay. So I'm asking you a specific
10 question, sir. And I'm just going to ask you an
11 approximate time as to when you started driving
12 that day -- that -- the day before without a rest.
13 That's a simple question. And you can give
14 general approximate times if you don't know.

15 MR. GRAVES: Objection to form.

16 MR. VOYLES: Same objection. Go ahead
17 and answer.

18 THE WITNESS: I never started driving
19 without a rest period.

20 MR. FITZPATRICK: That's an a -- that's
21 -- that's -- move to strike as non-responsive.

22 BY MR. FITZPATRICK:

1 Q I'm asking you an approximate time of
2 when for the first time you started driving that
3 truck and when did you have a rest before -- a
4 rest being more than around seven to eight hours
5 before this incident that happened at 1:00 -- 1:38
6 a.m.

7 A I --

8 MR. GRAVES: Objection. Compound
9 question. That two questions, Chris. You -- you
10 got to break it down.

11 BY MR. FITZPATRICK:

12 Q I'll just break it down. When did you
13 -- when did you -- when -- first question is when
14 did you begin driving? That's one question -- I'm
15 going to ask you to answer that approximately --
16 on the day of December 15th?

17 A This happened on the 16th; right?

18 Q Correct. So I'm asking you on the 15th.
19 This happened at 1:38 a.m.

20 A Yeah. Again, I'd have to look at my
21 logbook. I don't remember the -- the time on
22 that.

1 Q All right. You knew about this
2 deposition, sir. You knew that this was going to
3 be a very important question that we would need to
4 know.

5 MR. VOYLES: Objection to form there.
6 No. Hold on. There is no duty.

7 MR. FITZPATRICK: This is --

8 MR. VOYLES: And that -- that it --
9 first of all, it's not a question, that's a
10 comment, and it requires no response from my
11 client.

12 MR. FITZPATRICK: Well, I'm going to --
13 I'm going to continue to ask him the question.

14 MR. VOYLES: And he -- he has -- he has
15 -- he has no -- hold on. He has no duty to --

16 MR. FITZPATRICK: This is being evasive.
17 We've got to get the judge on the phone. We have
18 to. This is the whole crux of the case. This is
19 the whole crux of his case. He's giving evasive
20 answers and he's saying, I don't remember. And
21 people were killed. People were severely injured.
22 And he's got those answers. He knows those

1 answers. And -- and we're entitled to get those
2 answers and he's under oath.

3 MR. VOYLES: That was all commentary
4 from you.

5 MR. FITZPATRICK: It is.

6 MR. VOYLES: I understand your -- I
7 understand your position.

8 MR. FITZPATRICK: It is commentary. I
9 have every right to have a comment.

10 MR. VOYLES: My -- my client has
11 provided his best recollection and he has answered
12 the question. If you feel the need to get the
13 judge on the phone --

14 MR. FITZPATRICK: He hasn't answered any
15 -- he just says I don't remember.

16 MR. VOYLES: Again --

17 MR. FITZPATRICK: I got my logs.

18 MR. VOYLES: That -- that is --

19 MR. FITZPATRICK: That's not an answer.

20 MR. VOYLES: Absolutely. That's
21 absolutely --

22 MR. FITZPATRICK: That's not an answer.

1 MR. VOYLES: -- what he said and -- and
2 that is his answer.

3 BY MR. FITZPATRICK:

4 Q You testified before, sir, that it was
5 11 hours; correct? That is the policy, you cannot
6 be driving longer than 11 hours; correct?

7 A Correct.

8 Q All right. What did you inform the
9 police at the accident scene?

10 MR. VOYLES: Objection. Go ahead and
11 answer.

12 THE WITNESS: What -- what -- I -- I
13 don't -- you said what did I inform the police?

14 BY MR. FITZPATRICK:

15 Q Yeah.

16 A Regarding what?

17 Q I'm going to ask you a general question
18 regarding -- I'm going to ask you a specific.
19 What -- what -- let's go back. I'll move -- I'll
20 -- I'll withdraw that answer -- I mean, that
21 question. When you spoke to the police after this
22 tragic incident, okay, did you ever inform them

1 that -- that you were driving more than 11 hours?

2 MR. VOYLES: Objection. Asked and
3 answered.

4 THE WITNESS: I don't think so.

5 BY MR. FITZPATRICK:

6 Q Okay. You didn't tell anybody that;
7 correct? Is that what your testimony is?

8 MR. VOYLES: Objection to form.

9 THE WITNESS: I can't recall it coming
10 up.

11 MR. FITZPATRICK: Okay.

12 THE WITNESS: Are -- are you --

13 MR. VOYLES: Just answer --

14 THE WITNESS: You're talking about the
15 police or are you talking about --

16 MR. FITZPATRICK: All right so what did
17 you --

18 MR. VOYLES: Just answer the question.

19 THE WITNESS: Are you talking about the
20 police or are you talking about the safety bureau?

21 BY MR. FITZPATRICK:

22 Q I'm talking about what -- what -- what

1 discussions -- what did you inform the police?
2 Did you inform the police that you were not
3 driving more than 11 hours or were -- did -- did
4 you inform that you were driving over 11 hours?

5 MR. VOYLES: Objection to form. This
6 has been asked and answered multiple.

7 MR. FITZPATRICK: I know, but it's just
8 unacceptable with the tragic deaths of these
9 people and the tragic injuries of my client that
10 he's -- he's saying he doesn't remember anything.
11 That's --

12 MR. VOYLES: Move to strike -- move to
13 strike this commentary. I understand your
14 feelings, but he has provided his answers multiple
15 times.

16 BY MR. FITZPATRICK:

17 Q Mr. Cramer, can you -- do you have your
18 logbooks with you?

19 A No.

20 Q Who has those logbooks?

21 A Triton.

22 Q Okay. Have you ever asked them for a

1 copy of those -- those logbooks?

2 A No.

3 MR. VOYLES: Objection. Form.

4 BY MR. FITZPATRICK:

5 Q Okay. You don't see -- you don't
6 remember where you were the day before; is that
7 what your testimony is, on December 15th?

8 MR. VOYLES: Asked and -- asked and
9 answered. Go ahead and answer again.

10 THE WITNESS: No. I don't remember the
11 -- the -- I -- I recall where I believe I picked
12 that load up in Missouri, if I remember right.
13 St. Louis, as I recall. But where I was the day
14 before at any certain exact time, no.

15 BY MR. FITZPATRICK:

16 Q What did you review before your
17 deposition today?

18 A I didn't review anything.

19 Q Okay. Don't you think it's important
20 before a deposition that you review your logs,
21 where you started and how long you were driving?

22 MR. VOYLES: Objection. These are --

1 MR. FITZPATRICK: That's a fair --

2 MR. VOYLES: -- these are -- these are
3 inappropriate questions.

4 MR. FITZPATRICK: This is a fair
5 question.

6 MR. VOYLES: These are -- no. These are
7 -- these are --

8 MR. FITZPATRICK: Then --

9 MR. VOYLES: -- not designed --

10 MR. FITZPATRICK: -- I'll withdraw the
11 question. I'll ask --

12 MR. VOYLES: These are not designed to
13 get facts. These are just for commentary.

14 BY MR. FITZPATRICK:

15 Q Okay. When -- when was the last time
16 you ever looked at those logs, sir?

17 A The date of the accident.

18 Q Okay. And what did they reflect?

19 MR. VOYLES: Objection. Go ahead and
20 answer.

21 THE WITNESS: That I was legal, That I
22 was driving in accordance with DOT

1 responsibilities.

2 BY MR. FITZPATRICK:

3 Q What do you mean you were legal?

4 A I mean the electronic log showed that I
5 was legally driving.

6 Q What do you mean legally driving?

7 A I don't know how to explain it. Legally
8 driving.

9 Q What is -- legally driving within the
10 time frame of the amount of hours that you could
11 drive? Is that what that the -- the logs would
12 reflect?

13 A That's correct.

14 MR. VOYLES: Objection.

15 BY MR. FITZPATRICK:

16 Q That's correct, that the logs would
17 reflect that you were you were -- you were driving
18 within the 11-hour limitation; correct? Is that
19 what you're saying?

20 A Yes.

21 Q Before you testified that you had -- you
22 can't -- you can't recollect at all about -- I

1 asked you three times about that, about the 11
2 hours. And you said you couldn't recall, and you
3 couldn't recall what the log said.

4 A Yeah.

5 MR. VOYLES: No --

6 MR. FITZPATRICK: Is that --

7 MR. VOYLES: -- you don't --

8 MR. VOYLES: -- mischaracterizes -- hold
9 on. That mischaracterizes his testimony.

10 MR. FITZPATRICK: So -- I don't think it
11 -- I'll ask the question clearly because that's
12 exactly what he testified to. So --

13 BY MR. FITZPATRICK:

14 Q Sir, I asked you before whether you had
15 been driving more than 11 hours. So we'll go
16 back. And you said you didn't recall; is that
17 correct?

18 MR. VOYLES: Objection to form. That
19 also mischaracterizes his testimony.

20 MR. FITZPATRICK: But how does it?
21 Because that's exactly what he said.

22 THE WITNESS: All right. So I'll --

1 I'll -- let me clarify.

2 BY MR. FITZPATRICK:

3 Q All right.

4 A My electronic logs show that I was
5 driving legally.

6 Q Okay. But I asked you to define
7 legally, and I've gotten evasive answers.

8 A I don't know -- I don't understand how I
9 could define it any more than legally.

10 Q Okay. Legally, those logs will show
11 that you were driving either 11 hours or less than
12 11 hours. Yes or no?

13 A That's correct.

14 Q Okay.

15 A Yes.

16 Q So you didn't violate any policy at all
17 of driving more than 11 hours?

18 A That's correct. According --

19 Q Haven't --

20 A -- to -- according to my electronic
21 logs.

22 Q Okay. But you said that you never

1 reviewed the electronic logs. And you haven't
2 reviewed them since the accident? So --

3 A I don't have to --

4 Q -- do you remember --

5 A -- review them to know that I was
6 driving legally. You were asking me specific hour
7 questions, which I don't have the answers to. But
8 I know that I was driving legally according to the
9 Triton's policy.

10 Q Okay, but -- This testimony is
11 completely has continuously changed, three, four,
12 five different times. And I just ask simple
13 questions, sir, just simple. I'm going to ask
14 them again, so we go through this again; okay?

15 MR. VOYLES: Let me -- hold on. Let me
16 object here to, again, your commentary, Mr.
17 Fitzpatrick, is not designed to get at facts. It
18 is simply your comments which are now bordering on
19 harassing the witness.

20 MR. FITZPATRICK: No, my -- my thing --
21 my comments is to get facts, to make sure we ask
22 the right questions and the right facts. So we're

1 going to go through it again; okay? We're going
2 to go through it again because I've gotten
3 different answers for the same questions, and I've
4 rephrased them.

5 BY MR. FITZPATRICK:

6 Q So Mr. Cramer, were you driving more
7 than 11 hours between December 15 and December 16?
8 Yes or no?

9 MR. VOYLES: Objection to form. Go
10 ahead and answer. If you can.

11 BY MR. FITZPATRICK:

12 Q Yes or no question.

13 A First off, I could drive more than 11
14 hours and still be legal --

15 Q You --

16 A -- so --

17 Q Let's go back again because you --

18 MR. VOYLES: Please do not --

19 MR. FITZPATRICK: -- testified before --

20 MR. VOYLES: Please do not --

21 MR. FITZPATRICK: All right.

22 MR. VOYLES: -- interrupt the witness

1 when he's --

2 MR. FITZPATRICK: All right.

3 MR. VOYLES: -- giving an answer.

4 THE WITNESS: So your -- your question,
5 I -- I'm not sure that you understand how logbooks
6 work.

7 BY MR. FITZPATRICK:

8 Q Well, let's go back and I'll ask the
9 questions again. Is it your company's policy,
10 which you previously stated, and if I'm -- if I'm
11 incorrect, let me know. Isn't your -- your policy
12 of your company that you cannot be driving more
13 than 11 hours? Yes or no?

14 MR. VOYLES: Asked an answer. Go ahead
15 an answer.

16 BY MR. FITZPATRICK:

17 Q Just yes or no.

18 A Our -- our electronic log --

19 Q Just yes -- yes. Just yes or no.

20 MR. VOYLES: Do not tell --

21 MR. FITZPATRICK: It's just --

22 MR. VOYLES: -- my witness how to

1 answer. He may answer how he chooses.

2 MR. FITZPATRICK: It's a yes or no
3 question.

4 MR. VOYLES: Go ahead and answer, Mr.
5 Cramer.

6 THE WITNESS: Well, now, I forgot the
7 question.

8 BY MR. FITZPATRICK:

9 Q Is it your company's policy that you
10 cannot drive or be on the road for more than 11
11 hours? Yes or no?

12 A Is it my company's policy that we can't
13 be on the road more than 11 hours?

14 Q Without a rest, without a rest.

15 A I was driving legally according to my
16 electronic logs.

17 Q Yeah, but that's --

18 MR. FITZPATRICK: Move to strike,
19 nonresponsive.

20 BY MR. FITZPATRICK:

21 Q Is there a company policy that states --
22 which you testified, yes, there was, I just want

1 to make sure that's true -- whether you could not
2 be on the road for more than 11 hours without at
3 least a seven-hour to eight-hour rest?

4 A Well, again, I -- I don't think you
5 understand logs.

6 Q I'm not asking about logs. I'm asking
7 about policies of the company. Not logs,
8 policies.

9 A Well, first off, with -- with split
10 logs, if you're driving as a team, you don't have
11 to have that kind of a break. So you can drive
12 legally after only a five-hour or I -- break --

13 Q I'm not asking --

14 A -- so --

15 Q -- hypotheticals. I'm not asking -- I'm
16 asking --

17 A I mean --

18 Q -- in general.

19 A You are asking a hypothetical --

20 Q Okay.

21 A -- because there's not one answer for
22 that. Each driver --

1 Q I'm not asking each driver. I'm asking
2 you, sir. You.

3 A Each driver without using a split log,
4 can only drive 11 hours.

5 Q Okay. Did you have a split log. And
6 can you define what a split log is?

7 A A split log is if you have a codriver,
8 then you can drive with a smaller break and -- and
9 utilize those hours.

10 Q Did you have a codriver that particular
11 day?

12 A On my electronic log, I did.

13 Q Okay. And who was that codriver?

14 A I think his name was David Sykes.

15 Q Was David Sykes in the vehicle at the
16 time your vehicle made contact and crashed into
17 the party bus?

18 A No.

19 Q Okay. When was the last time that Mr.
20 Sykes was in that vehicle?

21 A Never.

22 Q Never. Okay. And so then my next

1 question is: When -- approximately when, since you
2 said it's been two years -- approximately when did
3 you begin driving? You said it was in Missouri
4 that you were driving on December 15.

5 Is that correct or not correct?

6 A I didn't say that.

7 Q All right. Then what -- then -- then
8 please clarify. Where did you start out on
9 December 15?

10 A Again, you're asking me that question,
11 without looking at my logs, I couldn't tell you.
12 I -- I don't know.

13 Q You don't remember what state you
14 started out at?

15 A You're asking me if I started there on
16 the 15th. I don't know if I started either on the
17 15th or the 14th.

18 Q Well, where do you -- where do you
19 remember being? A day before this accident?

20 A You're -- you're -- you're asking me to
21 remember something I don't remember.

22 Q Okay. Sir --

1 A I picked the load up, I believe, in St.
2 Louis, Missouri, either on the -- probably on the
3 14th, but I can't remember it.

4 Q Okay.

5 A It may have been --

6 Q On the --

7 A -- on the 14th, but --

8 Q -- on the 14th, so on the --

9 A -- I don't remember.

10 Q -- on the 15th -- did you sleep at any
11 time the night of the 14th or on the 15th?

12 A Yes.

13 Q Okay. And when did you sleep? And
14 where did you sleep?

15 A Well, I slept at the rest area that I
16 was referencing previously just before I started
17 my shift. Or that's -- that's probably not the
18 only place I stopped. I'm -- I'm surprised you
19 don't have my logbook.

20 Q Where -- where -- where is -- where did
21 you stop, sir?

22 A I stopped at the rest area just east of

1 the Pilot. I -- I can't give you the exit number
2 anymore. And I -- I slept there.

3 Q Okay. What state was that in?

4 A In Virginia. I was only on the road for
5 a half an hour --

6 Q Okay. So what time --

7 MR. VOYLES: Please -- please stop
8 interrupting when he's is giving an answer.

9 BY MR. FITZPATRICK:

10 Q What time did you approximately arrive
11 in Virginia and what time did you --
12 approximately, so you're not held any exact time.
13 Just approximately, what time did you arrive in
14 Virginia at that rest stop and go to sleep? And
15 what time did you wake up to drive?

16 A Probably -- I don't know 6:00 or 7:00,
17 probably.

18 Q That -- 6:00 or 7:00 that evening?

19 A Yes.

20 Q Okay. And when was the last time you
21 slept before that?

22 A Again, I'd have to look at my logbook.

1 Q Okay. Well, what -- what is your normal
2 practice, to sleep during the day or at night?

3 MR. VOYLES: Object to form.

4 THE WITNESS: I don't really have a
5 normal practice. It changes. I -- I -- I pick
6 the safest route and the safest time to drive.

7 BY MR. FITZPATRICK:

8 Q Okay. Were you under the -- there was a
9 certain investigation that was done by the police
10 department regarding open prescription drugs that
11 were found in your truck. Were you taking any
12 prescription drugs at the time of this incident?

13 A No.

14 Q Okay. Were there any drugs in your car
15 at all at the -- any prescription drugs that were
16 -- that were in your vehicle.

17 A Metformin.

18 Q Not formally, I'm sorry?

19 A Metformin.

20 Q Metformin. Okay.

21 A Well, yeah --

22 Q That's a -- that --

1 A -- metformin.

2 Q That's a drug for diabetes; correct?

3 A That's one of its uses.

4 Q Okay. Was there any other types of
5 prescription drugs that you had in your -- in your
6 vehicle?

7 A I can't remember. I don't think so. I
8 -- I -- I don't -- I don't think there was.

9 Q Okay. Who are the names of your doctors
10 that you're under the care of?

11 A I can't remember the doctor --

12 Q Back -- back in 2022.

13 A Right. I can't remember the doctor's
14 name.

15 Q Do you remember the doctor who was
16 treating you? What was he treating, for your
17 diabetes?

18 A No. I'm not diabetic.

19 Q Okay. What -- what was he prescribing
20 metformin for then?

21 A I was taking testosterone replacement
22 therapy.

1 Q Okay. And --

2 A And metformin has a lot of different
3 effects on your body, not just diabetes.

4 Q Okay. And what effects were occurring
5 to your body at that time?

6 A I -- I stopped taking the -- the
7 metformin, which --

8 Q But I'm asking what effects -- let me --
9 what condition did you have back in December 2022?

10 A Low testosterone.

11 Q Okay. Was this for an enhanced sexual
12 performance?

13 A Test --

14 MR. VOYLES: Object --

15 THE WITNESS: The testosterone?

16 MR. VOYLES: Object to form.

17 BY MR. FITZPATRICK:

18 Q When it was -- testosterone therapy.

19 A It helps to rebuild your body.

20 Q Okay. Can you be more specific?

21 A That's -- it helps to -- it helps to
22 rebuild your entire body. That's what

1 testosterone does.

2 Q Okay. I understand. So you had low
3 testosterone; correct? Back in December 2022?

4 A Yes.

5 Q Who diagnosed you with that?

6 A It's an online company, like a Viking.

7 Q Okay. What doctor diagnosed you?

8 A Again, I don't recall.

9 Q Okay. This is only two years ago. Let
10 me ask you this, how long -- how -- how long are
11 your treatment -- how long was your treatment for
12 testosterone therapy?

13 A I think it was three months.

14 Q Okay. And you would still have those
15 records, or you would know where to find those
16 records; correct?

17 A Probably. I could probably get them
18 from the company.

19 Q Okay. Well, there's a doctor that
20 treated you; correct?

21 A Yes.

22 Q Okay. Where did you -- who was your

1 internist, your internal medicine doctor back in
2 December of 2022?

3 A I don't have a doctor.

4 Q Okay. Well, where do you go to see when
5 you're -- when you're -- when you're sick before
6 the --

7 A I don't get sick.

8 Q Well, let me ask you this: What medical
9 treatment did you ever have at all five years
10 before this accident?

11 A I have a DOT physical that's required.

12 Q Okay. And what doctor do you go see --
13 do you go see for that?

14 A You'd have to look at my DOT records.

15 Q Okay. So it's your testimony, sir,
16 under oath, that you don't go see any doctors at
17 all. You can't remember the doctors, and if you
18 do, you just can't remember who they are. Is that
19 -- is that your testimony for the last five years?
20 A year before this accident and even four years,
21 is that your testimony? I just want to be clear.

22 MR. VOYLES: Objection. Asked and

1 answered. Objection to form. Go ahead and
2 answer.

3 THE WITNESS: First, I'm a nurse.
4 Secondly, no, I don't have a general practitioner
5 physician or an internal medicine physician. The
6 only physicians or nurse practitioners I've seen
7 for the five years prior to that was from my DOT
8 physicals.

9 BY MR. FITZPATRICK:

10 Q Who prescribed the metformin?

11 MR. VOYLES: Objection. Asked and
12 answered.

13 THE WITNESS: I -- I just -- I just told
14 you who.

15 BY MR. FITZPATRICK:

16 Q What's the name of the doctor? It'd be
17 on your --

18 MR. VOYLES: Asked and answered.

19 BY MR. FITZPATRICK:

20 Q It's on your prescriptions.

21 A I have -- I have no access to any of
22 that. It's all in my truck.

1 Q Yeah. So you said you were a nurse;
2 correct? But nurses are treated by -- by doctors
3 or are also treated by other nurses; correct?

4 A That's a statement. I -- I -- what are
5 you asking?

6 Q It's a -- it's -- it's a question.

7 A What's your question?

8 Q Well, you said you're -- are you
9 licensed to practice nursing in -- you're in
10 Alabama; correct?

11 A Correct.

12 Q Are you a licensed nurse in Alabama?

13 A Correct.

14 Q You are. And when did you get your
15 license in nursing?

16 A I got my -- my original nursing license,
17 so I think in '92 in Michigan, and I transferred
18 it down here.

19 Q Okay. So let me ask you this: Where did
20 you get the -- what pharmacy did you get the
21 metformin from?

22 A What pharmacy?

1 Q Yes.

2 A I got it in the mail from the pharmacy
3 that they -- the online company uses.

4 Q I know, but online company still have to
5 go through a pharmacy. So I'm asking you what
6 pharmacy? Was it Walgreens? Was it CVS? Was it
7 --

8 A I don't -- I don't know.

9 Q -- third -- third party? Do you still
10 get that prescription?

11 A No.

12 Q When did you stop getting the
13 prescription?

14 A That's the only prescription I ever got.

15 Q You never received any prescriptions for
16 any -- any other thing that could cause fatigue or
17 any other mind altering or physical fatigue,
18 mental fatigue or causing you to be sleepy at all?

19 MR. VOYLES: Objection to form. Go
20 ahead and answer.

21 BY MR. FITZPATRICK:

22 Q Back in -- back in December 2022.

1 A I don't -- I don't even understand the
2 question. You said any other -- you said any
3 other -- I don't take any prescriptions that cause
4 fatigue or -- or mental confusion or anything.
5 I'm -- I'm not sure what -- when you say other, I
6 don't understand the question.

7 Q Have you ever taken pain killers at all
8 at least -- let's say a year before this accident?

9 A When you say pain killers, do you mean
10 Tylenol --

11 Q Pain killers that --

12 A -- or an ibuprofen?

13 Q -- that could -- that could make you
14 sleepy. That's hydrocodone, Vicodin, things such
15 as that.

16 A No.

17 Q Okay. And you've never taken those
18 drugs a year prior to this incident, and you
19 weren't under the influence of those at the time
20 of --

21 A Correct.

22 Q Okay. And it's your testimony the only

1 drug that was prescribed to you that you don't
2 remember the doctor, you don't remember the
3 pharmacy, was metformin; correct?

4 A That's correct.

5 Q Okay. Did the police ever question you
6 after this accident regarding prescriptions that
7 they found open in your -- in your truck?

8 A No.

9 Q Okay. Did anybody ever investigate
10 that, either your insurance company, your
11 employer, or anybody?

12 A No.

13 Q Have you ever been treated for alcohol
14 or drug abuse?

15 A No.

16 Q Okay. So I want to take you back to
17 this incident. You said that you got to Virginia
18 at 6:00 or 7:00; correct?

19 MR. VOYLES: Objection to form.

20 THE WITNESS: You're -- you're -- you're
21 asking -- you're asking me a question that -- that
22 -- I didn't get to Virginia. I got to the rest

1 stop.

2 BY MR. FITZPATRICK:

3 Q Which you said was in Virginia. I did
4 want to clarify.

5 A Right. But that's when I got into
6 Virginia. That's when I got to the rest stop in
7 Virginia.

8 Q Okay. So you got to the rest stop in
9 Virginia approximately 6:00 to 7:00 p.m.; correct?
10 And where was that rest stop? Once again, for the
11 record.

12 A Well, I think it was about five miles
13 east of the Pilot where I circled around to get
14 fuel.

15 Q Five mile east of the Pilot. Okay. And
16 you slept there for approximately how long? Six
17 or five -- five, six hours?

18 A Yeah.

19 MR. VOYLES: Objection to form. Asked
20 and answered.

21 THE WITNESS: As I recall, that's --
22 that's --

1 BY MR. FITZPATRICK:

2 Q And how long --

3 A That's --

4 MR. VOYLES: Please go ahead and answer.

5 THE WITNESS: Yeah. As I recall, that's
6 -- that's approximately how long.

7 BY MR. FITZPATRICK:

8 Q And how long were you on the road prior
9 to that? Prior to get to the rest stop over the
10 Virginia line with -- only very close to this
11 accident scene.

12 A Yeah.

13 Q How long prior to that were you on the
14 road for?

15 A I -- I need to look at my log book.

16 Q Do you remember when you started out?

17 A No.

18 Q Okay. But do you think it was the day
19 before in Saint Louis? So let me ask this: What
20 state did you --

21 MR. VOYLES: Hold on. Objection to
22 form. I don't know if that was a question or --

1 or --

2 MR. FITZPATRICK: It was. I'm going to
3 ask him to clarify.

4 BY MR. FITZPATRICK:

5 Q You started out in Saint Louis on the
6 14th; correct?

7 MR. VOYLES: Objection to form. It's
8 been asked and answered probably five times by
9 now. Go ahead and answer again.

10 THE WITNESS: What -- I'm not sure what
11 the question is. Are you asking me what day I
12 picked up in Saint Louis? Is that --

13 BY MR. FITZPATRICK:

14 Q Yeah. What was your -- what would --
15 what did you pick up in St. Louis?

16 A I picked up a load of alcohol. I'm not
17 sure what -- what it was. I picked it up -- I
18 think it was at the Budweiser plant, or a number.

19 Q Okay. And what states did you drive
20 through?

21 A All. Are -- are you -- on this -- on
22 this specific one or --

1 Q Each state. Which state did you --

2 A -- or in general?

3 Q From the time you started out, that's
4 late on the 14th or 15th, all the way to the time
5 you got to Virginia. What states do you recall
6 driving?

7 A I'd have to look at a map. I'm sorry, I
8 -- I guess I probably took 70 across. So that's a
9 lot, Illinois, Indiana, and then I probably
10 dropped down to --

11 Q Kentucky?

12 A Yeah. Probably through Kentucky, and
13 then --

14 MR. VOYLES: Don't -- don't guess. If
15 you don't know, you don't know.

16 THE WITNESS: Yeah. Well, I -- I'm just
17 trying to mentally figure out the -- the route,
18 but yeah, I -- I couldn't. I'd have to look at a
19 map.

20 BY MR. FITZPATRICK:

21 Q You said you had a co-driver. Was that
22 co-driver ever in that vehicle at any time from

1 the time you left --

2 MR. VOYLES: Objection.

3 BY MR. FITZPATRICK:

4 Q -- Saint Louis to the time you got to
5 that rest stop in Virginia?

6 MR. VOYLES: Asked and answered. Go
7 ahead and answer it.

8 THE WITNESS: Yeah. As I stated, he was
9 never in the truck.

10 BY MR. FITZPATRICK:

11 Q Okay. At any time between the time you
12 started in Saint Louis to the time of the
13 accident; correct?

14 A At any time ever.

15 Q Okay. So I'm just curious as to why you
16 brought up a co-driver. If he wasn't involved at
17 all, it wasn't picked up at all.

18 A Because that's -- that's how Triton runs
19 their electronic logs.

20 Q Okay. Was there a specific time that
21 you were supposed to pick him up in Virginia or
22 someplace else?

1 A I've never met him. No.

2 Q So you didn't have a specific time or
3 specific destination that he was going to start
4 driving your truck; right?

5 A That's correct.

6 Q So what time did you leave the rest stop
7 area? Approximate.

8 MR. VOYLES: Objection to form. What
9 rest stop area are we talking about?

10 MR. FITZPATRICK: The one in -- the one
11 he said that he slept in Virginia, and it was very
12 close to the accident scene and that he got up, he
13 rested, he slept, he got up, and then he left.

14 THE WITNESS: I'm -- I'm -- I'm having
15 to mentally recreate the time here, but I'm going
16 to guess.

17 MR. VOYLES: Hold on. I -- I don't want
18 you to guess. You -- testify as what you know.

19 BY MR. FITZPATRICK:

20 Q Approximate. The incident happened at
21 1:38 a.m.

22 A Yeah. I was -- I was driving for

1 approximately a half an hour. So probably a half
2 an hour before that.

3 Q Around 1:00 a.m. or about -- between
4 1:00 a.m. and 1:10 a.m.; correct? Somewhere
5 around that time. What were the weather
6 conditions?

7 A Perfect.

8 Q Perfect. It wasn't sleeting or raining
9 or anything like that.

10 A Correct.

11 Q Okay. And at 1:00 a.m., 1:38 a.m.,
12 you're saying that it was perfect; correct?

13 A Yes.

14 Q Okay. And if your question -- withdraw
15 it.

16 A I'm sorry?

17 Q Withdraw -- I withdraw the question.
18 That evening, my client informed me that it was
19 severely raining and sleeting and icing that
20 night, just at the time shortly before this
21 incident. Would she be wrong about that, sir?

22 MR. VOYLES: Objection to form. Asked

1 and answered.

2 THE WITNESS: That's not how I recall
3 it.

4 BY MR. FITZPATRICK:

5 Q Yeah. Your -- your recollection, it was
6 perfect weather. That's what you said, perfect
7 weather; right?

8 A Correct.

9 Q Okay. And at the time of this incident,
10 you were saying that it was perfect weather too;
11 correct?

12 MR. VOYLES: Asked and answered multiple
13 times, no.

14 BY MR. FITZPATRICK:

15 Q What was your visibility? Was it clear?

16 A Yes.

17 Q Was it raining and sleeting prior to
18 this incident that you recall? You went to -- at
19 the time, you went to bed or got up?

20 A Well, if it had been raining or sleeting
21 while I was asleep, I wouldn't know that.

22 Q I'm asking you at the time you went to

1 bed or time you got up.

2 A I don't recall weather being an issue.

3 Q Okay. If I told you that the police
4 report checks off number right next to fog and
5 mist, he checks off -- the police officer checks
6 it off. Would he be wrong, the police officer?

7 MR. VOYLES: Objection to form.
8 Improper question. Asked and answered.

9 BY MR. FITZPATRICK:

10 Q Have you reviewed the police report,
11 sir?

12 MR. VOYLES: Asked and answered.

13 THE WITNESS: I haven't -- I've never
14 seen the police report.

15 BY MR. FITZPATRICK:

16 Q Oh, I'm going to show it. I'm going to
17 show it to you. We're going to through it.

18 MR. VOYLES: Objection to the sort of
19 line of questioning.

20 BY MR. FITZPATRICK:

21 Q I'm going to share my screen. And hold
22 on a second. Okay. Do you see that?

1 MR. VOYLES: So for the record, I'm
2 going to object to any questions regarding a
3 report. That is not admissible. That should not
4 be asked to the witness and that the witness did
5 not author, nor has he never seen it.

6 MR. FITZPATRICK: I'm just asking
7 whether he's reviewed it. And --

8 MR. VOYLES: He's already answered that.

9 MR. FITZPATRICK: And whether he's
10 disagreed -- whether he disagrees with the fact of
11 -- let me see this.

12 BY MR. FITZPATRICK:

13 Q Where it says, roadway surface
14 condition. Police officer checks off wet. Okay.
15 A weather condition, he checks off looks like
16 mist, either fog or mist. Okay. I just want to
17 be sure that you've looked at that, and from your
18 recollection, it was perfectly clear there wasn't
19 -- weather wasn't a factor at all; correct?

20 MR. VOYLES: Asked and answered multiple
21 times.

22 BY MR. FITZPATRICK:

1 Q I'm going to ask him to answer it again.

2 A Weather was not a consideration.

3 Q Okay. How far was it from the rest stop
4 to the point of the incident?

5 A From the -- from the rest stop?

6 Q Yes. How many miles?

7 A Approximately 30 or 25, I'm -- I'm going
8 to guess.

9 Q Okay. When you -- when you were
10 working, you were working within the -- the
11 permission, the scope of employment of your
12 employer; correct? And that was Triton,
13 T-R-I-T-O-N; correct?

14 A Correct.

15 Q Where is their corporate headquarter?

16 A I believe it's in Romeoville, Illinois.

17 Q Romeoville, where's that?

18 A Near Chicago.

19 Q It's called Romeo -- how do you spell
20 that?

21 A R-O-M-E-O-V-I-L-L-E.

22 Q R-O-M-E-V-I-L-L-E, Romeville, Illinois.

1 A Like as in Romeo and Juliet, Romeoville.

2 Q Romeoville. Got it. And you were
3 working within the permission scope of employment
4 of that; correct?

5 A Correct.

6 Q And you don't know whether they -- did
7 they lease this company -- lease this truck from
8 AV Leasing? Do you know that?

9 MR. VOYLES: Objection. Asked and
10 answered.

11 THE WITNESS: I -- I don't -- I don't
12 know that.

13 BY MR. FITZPATRICK:

14 Q All right. Aren't you supposed to know
15 everything about the vehicle that you're
16 operating?

17 A The --

18 MR. VOYLES: Objection. Improper --
19 hold on a second. It's an improper question.
20 It's not seeking any type of fact for this case.

21 MR. FITZPATRICK: Did you look at the --

22 MR. VOYLES: Go ahead and answer.

1 BY MR. FITZPATRICK:

2 Q Did you look at the registration?

3 A The registration was to Triton.

4 Q Was with Triton -- Triton.

5 A Triton.

6 Q Okay.

7 A Yeah, as far --

8 Q So I want to get back. Do you remember
9 what roads you took to -- just before getting to
10 the incident scene?

11 A What was the question?

12 Q Do you remember what roads, what
13 highways, you -- you were on say about five miles
14 out from the incident scene?

15 A I was on I-64.

16 Q Okay. And how long were you on I-64
17 for?

18 A From the moment I left the Pilot.

19 Q Okay. And where is I-64 -- what -- what
20 town -- I'm sorry, if I -- town or city, was that
21 rest stop area at? Do you recall?

22 A No.

1 Q Okay. Do you recall where you were --
2 withdrawn. You were on I-64. In what direction
3 were you going, sir?

4 A East.

5 Q And how many lanes of traffic of I-64
6 East?

7 A There are three lane -- three lanes are
8 -- where -- where the accident occurred, is that
9 what you're asking or --

10 Q Well, I'm asking just before the
11 accident occurred. Let's say a mile out of --
12 outside of the accident scene?

13 A Well, it -- at some point, it goes from
14 two to three lanes.

15 Q Okay. At the accident scene -- at the
16 accident scene, were there three lanes of traffic?

17 A Correct. It was a three-lane.

18 Q Okay. And what lane of traffic were you
19 in?

20 A The right lane.

21 Q Which is the -- the -- the entrance --
22 the lane as you exit to get off? I mean, right

1 lane, or was it closest to the -- to the divider?

2 A The -- are you talking about the divide
3 between oncoming traffic?

4 Q Well, if you want me to put the police
5 report on, maybe that will help you. The police
6 report's back up, so may refresh your
7 recollection.

8 MR. VOYLES: Continue to object any
9 reference or -- or evidence provided by the police
10 report. Go ahead and testify.

11 MR. FITZPATRICK: Okay. Your Honor --

12 MR. VOYLES: Answer the questions based
13 upon your recollection, Mr. Cramer.

14 THE WITNESS: That was --

15 BY MR. FITZPATRICK:

16 Q I--684 [sic] East, which you said you
17 were gone for about five miles, it goes two lanes
18 into three. This is three lanes. The police
19 report indicates that contact was made what you're
20 describing as the -- the right lane; correct?
21 Then there's a middle, and then there's one
22 closest to the divider over here.

1 A Right.

2 Q So my question to you is --

3 MR. VOYLES: Object to form.

4 BY MR. FITZPATRICK:

5 Q -- did the -- did the collision occur in
6 the right lane?

7 A As I recall.

8 Q Okay. And what was the flow of traffic?
9 Was it light, medium, or heavy at that time?

10 A There was no traffic.

11 Q There was no traffic. And how fast was
12 your vehicle going? Approximately how fast was
13 your vehicle going?

14 MR. VOYLES: Are you there, Mr. Cramer?

15 THE WITNESS: Yeah. Didn't -- didn't I
16 answer it?

17 MR. VOYLES: All right. I didn't hear
18 it.

19 BY MR. FITZPATRICK:

20 Q I haven't -- I haven't heard an answer
21 yet. How -- how fast were you --

22 A Oh, I'm sorry. I -- I said between 65

1 and 70.

2 Q Okay. And what was the first time that
3 -- what was the first time that your vehicle made
4 impact with the party bus?

5 MR. VOYLES: Objection to form.

6 THE WITNESS: What's the question?

7 BY MR. FITZPATRICK:

8 Q Okay. Was there any trucks in front of
9 -- I'll withdraw that question. Were there any
10 trucks in front of your truck at the time two to
11 three seconds before impact?

12 A No.

13 MR. VOYLES: Objection to form.

14 BY MR. FITZPATRICK:

15 Q No, there was no other trucks; correct?

16 A Correct.

17 Q Were there any -- any trucks at all in
18 front of you between you and the party bus ten
19 seconds before impact?

20 A I don't believe so.

21 Q Okay. So my question to you, sir, is,
22 if you had, what you're saying is clear vision and

1 normal weather conditions according to you, and
2 you're going over 60 miles an hour, why did you
3 not see the party bus directly in front of me?

4 MR. VOYLES: Objection to form. Go
5 ahead and answer.

6 THE WITNESS: That's unknown.

7 BY MR. FITZPATRICK:

8 Q What do you mean unknown?

9 A I mean, I don't understand why I didn't
10 see it.

11 Q Were you sleeping at the time? Did you
12 fall asleep at the wheel at the time of this
13 incident? Yes or no?

14 A No.

15 Q You're under oath, and you're saying no;
16 correct?

17 A Correct.

18 MR. VOYLES: Objection to form. Asked
19 and answered.

20 BY MR. FITZPATRICK:

21 Q All right. So explain to me how a party
22 bus that's very large, very long in normal

1 conditions and is unknown how you don't see that?

2 MR. VOYLES: Objection to form. Asked
3 and answered. Go ahead and answer.

4 THE WITNESS: Again, I -- I can't
5 explain it. I don't know.

6 BY MR. FITZPATRICK:

7 Q Sir, my client's the grandmother of one
8 of the individuals father's who was killed in that
9 -- on that bus that night. And she's been looking
10 for answers for two years now as to what happened.

11 And I'm going to ask you, why can't you have
12 any explanation as -- at all as to how your
13 vehicle -- how you did not see a large vehicle
14 such as that with perfect weather -- according to
15 you, with normal weather conditions, no other
16 truck impairing your visibility. Is -- your
17 testimony is it's still unknown; correct?

18 MR. VOYLES: Objection to form. We're
19 not at trial here, Mr. Fitzpatrick. So we don't
20 need the commentary about -- about the
21 grandmother.

22 MR. FITZPATRICK: I want make sure --

1 MR. VOYLES: My client has provided his
2 answer multiple times.

3 MR. FITZPATRICK: Okay.

4 MR. VOYLES: And this is again, the
5 third or fourth time, the same question has been
6 asked.

7 BY MR. FITZPATRICK:

8 Q Okay. But the answer is unknown;
9 correct? Asked and answered. Did the party bus
10 at all -- was it just moving forward straight,
11 sir, at the time?

12 A I -- when I saw it, I thought it was
13 stopped. I saw it seconds before I -- before
14 impact. And when I saw it, I thought it was
15 stopped on the road.

16 Q Okay. And how many feet was between
17 your vehicle and the back of the bus at the time
18 that you first saw it?

19 A I -- I can't guess, but very few.

20 Q Very few feet?

21 A Correct.

22 Q Are we talking less than 50 feet?

1 A I didn't have time to apply my brakes or
2 swerve.

3 Q So was the party plus moving or was it
4 stopped in a stationary position according to your
5 testimony.

6 MR. GRAVES: Before you go further, I
7 want to make sure I heard him right. But he said
8 or slow or -- or swerve?

9 MR. VOYLES: He said swerve.

10 MR. GRAVES: Swerve. Okay. Thank you.

11 THE WITNESS: I'm sorry. What was that?

12 MR. GRAVES: No. I -- I just need a
13 clarification of what you said, what your
14 testimony was.

15 THE WITNESS: What -- what I said?

16 MR. GRAVES: Yes, sir. Your counsel
17 gave it to me.

18 THE WITNESS: I -- I -- okay. I -- I
19 said that it was either -- when I -- when I saw
20 it, it appeared either to be stopped or going very
21 slowly.

22 MR. GRAVES: Yes, sir. Thank you.

1 BY MR. FITZPATRICK:

2 Q Okay. Did it have any signals on? Any
3 turn signals on?

4 A Not that I saw.

5 Q Did it have any flashes on?

6 A Not that I saw.

7 Q Okay. Was it moving prior to when you
8 claim stopped?

9 A That's the first time I saw it.

10 Q Okay. And that was only a distance of
11 50 feet. My question to you is, from your
12 training as a truck driver, isn't your training to
13 keep a certain safe distance between your vehicle
14 and the vehicle in front of you in normal traffic
15 conditions as opposed to stop and go?

16 MR. GRAVES: Well, before you answer,
17 I'm going to object to form because I don't recall
18 him saying it was only 50 feet. He never gave a
19 measurement. So I object to form. You can answer
20 the question, Mr. Cramer.

21 MR. FITZPATRICK: So I'll -- I'll
22 establish it.

1 BY MR. FITZPATRICK:

2 Q How many feet was it? Was it less than
3 50 or more than 50 feet?

4 A Again, I can't characterize that. The
5 -- it -- it was -- it was maybe a second, maybe
6 two seconds, that I -- that I saw it before the
7 crash.

8 Q But it was a very close distance;
9 correct?

10 A Yes.

11 MR. VOYLES: Objection to form.

12 BY MR. FITZPATRICK:

13 Q So isn't your training that you received
14 since 2006 always to make sure that you keep a
15 safe distance between your vehicle and the vehicle
16 in front of you?

17 A Yes.

18 Q And that didn't occur here; correct?

19 MR. VOYLES: Objection to form.

20 THE WITNESS: Correct.

21 BY MR. FITZPATRICK:

22 Q Did the police issue a ticket at the

1 accident scene?

2 A No.

3 Q Did they -- did you inform the police
4 exactly what you're testifying here today, that
5 the vehicle, you believe, was stopped, and you
6 only saw it at a short distance?

7 MR. VOYLES: Objection to form.

8 THE WITNESS: Yes.

9 BY MR. FITZPATRICK:

10 Q Okay.

11 A Yes, I did.

12 Q Was a field sobriety test administered
13 to you?

14 A I -- I don't recall.

15 Q You don't recall if the police asked you
16 to -- to -- to engage in a field sobriety test
17 with walking a straight line or blowing into a
18 breathalyzer?

19 A I went from the truck into the
20 ambulance. I don't recall.

21 Q Prior to this incident, were you ever
22 arrested or convicted of DWI or driving under the

1 -- while impaired under the influence of drugs?

2 A No.

3 Q Have you ever been charged or convicted
4 of a felony?

5 A No.

6 Q You ever been charged or convicted of a
7 misdemeanor?

8 A Yes.

9 MR. VOYLES: Objection to form.

10 BY MR. FITZPATRICK:

11 Q What misdemeanor were you convicted of?

12 MR. VOYLES: Objection to form.

13 THE WITNESS: I believe it was loud in
14 public.

15 BY MR. FITZPATRICK:

16 Q And when was that?

17 MR. VOYLES: Same objection.

18 THE WITNESS: I don't -- I don't
19 remember. Probably around 2010, something around
20 there.

21 BY MR. FITZPATRICK:

22 Q Was that disorderly -- was it disorderly

1 conduct or just loud in public?

2 A I don't -- I don't recall the exact
3 charge. It was in Marion, Indiana.

4 Q Had nothing to do with driving a truck?

5 A It had nothing to do with drugs or
6 alcohol.

7 Q Okay. That wasn't my question. Did it
8 have something to do with driving a truck?

9 A Did it what?

10 Q Did it have anything to do with driving
11 or operating a truck?

12 A No.

13 Q Okay. After impact occurred, what
14 happened to the party bus? Did it go towards the
15 -- the center and the left -- and the left lane
16 towards the wall of the Interstate?

17 A I have no idea.

18 Q What do you mean you don't have any
19 idea?

20 MR. VOYLES: Objection.

21 THE WITNESS: I have no idea.

22 BY MR. FITZPATRICK:

1 Q Okay. Why not?

2 A My windshield shattered. I couldn't see
3 anything. I -- I wound up at the -- in the ravine
4 and was there, basically, until the fire
5 department came.

6 Q Okay. Did EMS give you -- assist you at
7 the scene, extricate you from the truck?

8 A No. I was able to get out of the
9 passenger side door.

10 Q Did you go to the hospital?

11 A Yes.

12 Q What hospital did you go to?

13 A I can't really remember.

14 Q You can't remember what hospital you
15 went to?

16 MR. VOYLES: Asked and answered. This
17 is all a matter of record.

18 MR. FITZPATRICK: Just -- I'm -- I'm
19 asking you, though.

20 MR. VOYLES: He's answered the question.

21 BY MR. FITZPATRICK:

22 Q Okay. So are you aware of that Montia

1 Bouie (phonetic), Xavier Evans (phonetic), and
2 Jontae Kaalib Russell (phonetic) were killed?

3 MR. VOYLES: Objection. What is the
4 relevance to this lawsuit --

5 MR. FITZPATRICK: I want to know what he
6 -- whether he knows --

7 MR. VOYLES: -- with regard to -- let me
8 finish. What is the relevance to that fact to
9 this personal injury lawsuit?

10 MR. FITZPATRICK: It's very relevant
11 because I'm going to ask him --

12 BY MR. FITZPATRICK:

13 Q The next question is: When you hit the
14 back of the -- the party bus, okay, when you hit
15 that -- that -- what was the speed you were going?
16 You testified just prior to that, you were going
17 about 60 miles an hour. Was it about 60 to 65
18 miles an hour that you crashed and you killed
19 these three individuals?

20 MR. VOYLES: Objection to form. This,
21 again, is a harassing question --

22 MR. FITZPATRICK: It's not harassing.

1 MR. VOYLES: -- completely irrelevant --
2 completely irrelevant to your client's personal
3 injury case.

4 MR. FITZPATRICK: I've got -- I've got a
5 client that's severely injured. She lost people
6 in this, and I've got a witness here who says that
7 he has no idea how this accident happened. He
8 can't recall how it happened. I think I'm
9 entitled to a certain leeway as to what -- how
10 fast he was going at the time he tragically killed
11 three people and severely injured many, many more.

12 MR. VOYLES: And he has answered your
13 question as to what speed --

14 MR. FITZPATRICK: He hasn't answered
15 that question.

16 MR. VOYLES: -- he was going. He told
17 you --

18 MR. FITZPATRICK: I'm going to ask him
19 --

20 MR. VOYLES: -- that -- he told you
21 exactly in response to your prior question what
22 speed he was going before the accident.

1 BY MR. FITZPATRICK:

2 Q Now, before -- I'm asking right at
3 impact now. What was your speed right at impact?

4 A Well, sir, my -- that truck is governed.
5 I can't drive it more than 68 miles an hour.

6 Q Okay. So were you approximately going
7 between 60 and 68 miles an hour?

8 MR. VOYLES: Objection. Asked and
9 answered.

10 THE WITNESS: What I said earlier was
11 between 65 and 70.

12 BY MR. FITZPATRICK:

13 Q Okay. 65 and 70. That was the -- the
14 rate of speed you were going at the time of this
15 impact; correct?

16 MR. VOYLES: Objection to form. Go
17 ahead and answer.

18 THE WITNESS: Well, I -- I don't recall
19 the exact speed, but yeah, that's approximately.
20 Again, the truck is governed. It can't go over 68
21 miles an hour.

22 BY MR. FITZPATRICK:

1 Q Okay. And who would have knowledge of
2 that, that it can't go over 68 knowledge? Who was
3 your supervisor at the time of this incident?

4 A Well, they have the truck. They can
5 just check it.

6 Q I'm asking you, who was -- what was the
7 name of your supervisor at the time of the
8 incident?

9 A Well, my dispatcher was Rob (phonetic),
10 but the head of the maintenance department would
11 know that.

12 Q Well, what was Rob's last name?

13 A I don't recall.

14 Q Who are the people that you had to
15 report to? This was only less than two -- this is
16 -- this -- this only occurred only a
17 year-and-a-half ago, 17 months ago.

18 A His -- his name is Lithuanian, and so
19 it's a -- it's not a common name that I would -- I
20 would easily recall.

21 Q Were you fired as a result of this
22 incident?

1 A Yes.

2 Q Why were you fired, sir?

3 A I -- I'm -- I'm not actually sure.

4 Q Was there a hearing or any -- any
5 disciplinary review board on this or any hearing
6 that you had or did you --

7 A No.

8 Q -- have a discussion with HR or
9 anything?

10 A No.

11 Q Okay. Who informed you that you were
12 being terminated?

13 A I was actually never informed of being
14 terminated. I -- I asked if I could come back and
15 they said, no. But this was -- I think this
16 occurred in February.

17 Q Did you give the same statements that
18 you're giving to me that you gave to your
19 employer?

20 A I'm sorry?

21 MR. VOYLES: Objection. Objection to
22 form.

1 THE WITNESS: What was your question?

2 BY MR. FITZPATRICK:

3 Q Did -- did you give the same statements
4 that you're giving today under oath, did you give
5 those same statements to your employer?

6 A They never asked.

7 Q They never asked? They just terminated
8 you; correct?

9 A Well, they -- they terminated me after
10 whatever it was, eight weeks.

11 Q Eight weeks that you were out on -- for
12 medical leave?

13 A I wasn't out on medical leave.

14 Q What was the eight weeks that you were
15 out on? Were you just -- were you on some kind of
16 administrative suspension? What was the eight
17 weeks?

18 MR. VOYLES: Objection to form.

19 THE WITNESS: Well, approximate. I
20 don't know what the exact time period was. And
21 then I couldn't drive, I was injured.

22 BY MR. FITZPATRICK:

1 Q Okay. So after eight weeks of recovery,
2 you contacted them about returning and they said
3 no?

4 A Again, I don't know that it was eight
5 weeks.

6 Q Approximately eight weeks. You said
7 eight weeks before. I'm going to ask you
8 approximately eight?

9 A Well --

10 MR. VOYLES: I believe -- hold on. Hold
11 on. I don't know where the eight weeks came from.
12 He said February.

13 BY MR. FITZPATRICK:

14 Q Okay. So February is about eight weeks;
15 right?

16 A Yeah. And, you know, again, you're --
17 you're trying to pin an exact time on me and I --

18 Q I'm not. I'm not. If it's nine weeks
19 --

20 A Okay, good.

21 Q So you're saying eight to ten weeks,
22 somewhere in there? Seven to ten weeks; correct?

1 A Yeah, somewhere in that time period they
2 informed me that -- prior to that, I had
3 anticipated coming back.

4 Q Did they send you a letter?

5 A No.

6 Q They never sent you a letter?

7 A No.

8 Q Did you ever contest your termination?

9 A No.

10 Q Did you have a prior driving record at
11 all, this was speeding, reckless driving? Failing
12 to --

13 MR. VOYLES: Objection. Objection to
14 form.

15 BY MR. FITZPATRICK:

16 Q -- have proper maintenance on your
17 vehicle or anything else?

18 A I'd have to look at my driving record.
19 I -- I've driven millions of miles, so --

20 Q Have you gotten speeding tickets?

21 MR. VOYLES: Objection to form.

22 THE WITNESS: I don't recall getting a

1 speeding ticket, but again, over 15 years,
2 millions of miles, I may have.

3 BY MR. FITZPATRICK:

4 Q What about reckless driving?

5 MR. VOYLES: Objection to form.

6 THE WITNESS: No.

7 BY MR. FITZPATRICK:

8 Q Okay.

9 A I don't -- I don't believe so.

10 Q All right. What about issues,
11 violations with issues with operating your truck,
12 maintenance, safety issues with your truck?

13 MR. VOYLES: Objection to form. Go
14 ahead and answer.

15 THE WITNESS: I -- I may have gotten a
16 safety violation. But it's -- again, I'd have to
17 refer to my -- my driving record.

18 BY MR. FITZPATRICK:

19 Q Were there any safety violations at all
20 regarding this particular truck a week before this
21 accident or a month before this?

22 A No. In fact, it had just -- it had just

1 been through the shop.

2 Q Okay. What shop was it -- was it last
3 repaired at?

4 A The -- Triton maintains its own repair
5 shop.

6 Q Okay. Were you conscious after this
7 accident?

8 A Yes.

9 Q Okay. And the police were -- the police
10 were questioning you on the scene?

11 MR. VOYLES: Objection to form. You can
12 answer.

13 THE WITNESS: No. I don't recall them
14 questioning me at the scene.

15 BY MR. FITZPATRICK:

16 Q When did they question you?

17 A At the hospital.

18 Q Okay. And do you remember what officer
19 questioned you?

20 A No.

21 Q How many officers were there?

22 A Two.

1 Q What did you state to the police?

2 A Pardon?

3 Q What did you state to the police?

4 A I -- you mean, what was my statement?

5 Q Yeah, what did you state to them?

6 A Regarding what?

7 Q How the incident occurred?

8 A I told them the same thing I just told
9 you.

10 Q That you had no idea how the incident
11 occurred just prior, you didn't recall ever seeing
12 him; is that correct?

13 A Correct.

14 Q And it's unknown as to what happened;
15 right?

16 A Correct.

17 Q Did you tell the police it's unknown,
18 quote, unquote, it's unknown as to how this
19 happened?

20 A I --

21 MR. VOYLES: Objection to form.

22 THE WITNESS: -- I don't know the

1 terminology I used.

2 BY MR. FITZPATRICK:

3 Q Did you take photographs of your truck
4 at all at the -- after this accident or a day or
5 two later?

6 A No.

7 Q You never took one photograph?

8 A The police kept my phone.

9 Q Okay. Were you texting at all prior to
10 this incident?

11 A No.

12 Q Who's your -- who was your cell phone
13 provider?

14 A Verizon, I believe.

15 Q Were you on the phone prior to this at
16 --

17 A No.

18 Q -- right at the time, a minute or two
19 before impact?

20 A No.

21 Q Was anyone in your vehicle at all, in
22 your truck?

1 A No.

2 Q Do you recall what the party bus looked
3 like before impact?

4 A I -- I know it was black.

5 Q Did you have your windshield wipers on?

6 A I don't recall.

7 Q It wasn't wet? It wasn't misty or
8 foggy?

9 MR. VOYLES: Asked and answered.

10 BY MR. FITZPATRICK:

11 Q Okay. Was -- was the -- was the truck
12 totaled? Do you have any knowledge of that?

13 A I -- I have no knowledge of that.

14 Q And the last time you worked for this
15 company was that -- that day, December 16th;
16 correct?

17 A Correct.

18 Q Were you paid out after December 16th?

19 A As I recall, yes.

20 Q Did you receive workers' compensation?

21 A I received the equivalent of that.

22 Q What do you mean by the equivalent? Was

1 it direct pay by your company or was it a workers'
2 compensation care?

3 A It was workmen's comp for self-employed
4 people. It's not specifically workmen's comp.
5 It's -- it's something that's similar to that, but
6 it's for -- for contracted labor.

7 Q And you were paid sometime until
8 February; correct?

9 A I believe so. I don't know the exact
10 dates.

11 Q Do you know the weight, how -- of your
12 vehicle?

13 A You'll have to be more specific. The --

14 Q Well --

15 A -- the weight --

16 Q What --

17 A -- empty or the weight loaded?

18 Q Were you carrying alcohol and -- and you
19 said a load of alcohol was picked up in Saint
20 Louis. Is that what you're carrying?

21 A Correct.

22 Q And how many -- what was the weight of

1 that?

2 A Again, a -- are you talking about the --
3 the -- the total weight or the weight of the load
4 --

5 Q Of the --

6 A Or the weight of the vehicle?

7 Q The weight of the load, the weight of
8 the vehicle. Start with the weight of the vehicle
9 and then the weight of the vehicle, then the
10 weight of the load.

11 A The -- the weight of the load was
12 approximately, I think it was -- I don't want to
13 guess. I -- I can't recall. I think the -- I
14 think my gross weight was -- I don't want to
15 guess.

16 Q Well, I don't want you to guess. Do you
17 know who would have that information? Would your
18 logs have that information, regarding the weight?

19 A Yeah. I -- I scaled the load, so I know
20 it was a legal load.

21 Q And the only supervisors you remember
22 was a -- a gentleman by the name of Rob?

1 A He was my dispatcher, correct.

2 Q Well, who was your direct truck
3 supervisor?

4 A My interface with the company was
5 through Rob. He may have had a boss. I don't
6 know the name of -- of his boss. If you're asking
7 me the name of the person who terminated me, I --
8 I would assume it was the owner of the company.
9 But I don't -- I don't really know that.

10 Q Who's the owner of the company?

11 A I can't remember his name.

12 Q He's the owner and president.

13 A I can't -- I can't remember his name.

14 MR. FITZPATRICK: All right, I have no
15 further questions. Subject to Terrance's
16 questions or Angela's questions.

17 EXAMINATION BY COUNSEL FOR THE DEFENDANT - AV LEASING
18 BY MR. GRAVES:

19 Q My name is Terrence Graves, and I
20 represent AV Leasing in -- in this litigation.
21 Just got a couple of questions for you.

22 A Yes, sir.

1 Q Then, you said you were employed by
2 Triton and as far as you know, you were driving
3 their truck; is that -- is that accurate?

4 A Yes, sir.

5 Q All right. Were you a 1099 employee or
6 a W-2 employee?

7 A 1099.

8 Q All right, so -- so you got a 1099 as a
9 self-ins -- I'm sorry, as a self-employed driver;
10 is that correct?

11 A Yes, sir.

12 Q Okay. Did you have an entity that you
13 utilized to get your 1099 through?

14 A Are you asking me if I had an LLC?

15 Q Yeah, an LLC or -- or -- or an S
16 corporation or some sort of other entity?

17 A Yes. Yes, sir. I have an LLC.

18 Q What was the name of your LLC?

19 A WDTC.

20 Q WDTC. Okay. Does that --

21 A That --

22 Q -- stand for anything?

1 A Yeah. You're going to laugh, but it's
2 World Domination Trucking Company. My -- my kids
3 name -- came up with the name.

4 Q I like it. Okay.

5 MR. FITZPATRICK: That's WDEC, LLC?

6 THE WITNESS: Yes.

7 BY MR. GRAVES:

8 Q And what state is that in?

9 A Texas.

10 Q Is that it in Alabama?

11 A No, it's in Texas.

12 Q In Texas? Okay. All right. Did you
13 pay your own -- did -- did -- were you responsible
14 for paying your own taxes?

15 A That's correct.

16 Q And did you also pay for your own fuel?

17 A Yes, sir.

18 Q How about insurance? Did you pay for
19 that or did Triton pay for it?

20 A When you say your insurance, which --

21 Q Let me be more --

22 A -- which --

1 Q -- more -- more clear about that. You
2 mentioned a workers' comp-like policy. Did you
3 pay for that policy or did Triton pay for it?

4 A Because I was a, you know, a contract,
5 it -- it came -- it came out of my settlement. In
6 other words, I -- I paid for the -- I paid for
7 that policy.

8 Q Okay. So, it may have been something
9 that Triton sent in, but it came out of your
10 money; is that fair?

11 A That -- that's correct. In other words,
12 I got paid by the load, X number of dollars, and
13 then any of the expenses, fuel, or the insurance
14 came out of that settlement.

15 Q What other expenses were -- were taken
16 out of that settlement?

17 A The -- I -- I believe the rental on the
18 electronic logbook was -- was -- was taken out. I
19 -- I can't recall, specifically. I'd have to --
20 I'd have to look at one of my settlement checks,
21 but -- statements, but I think that was -- that
22 was, I think, that was the only thing, as I

1 recall.

2 Q Okay. You know, you mentioned Rob and
3 you didn't remember his last name, but you
4 mentioned him a couple times during your
5 testimony. Did Rob do anything other than tell
6 you where to pick up loads and where you needed to
7 take them?

8 A I'm sorry. Say that again.

9 Q Sure. Did Rob, who was your dispatcher,
10 did he tell you anything other than what loads you
11 needed to pick -- pick up, where they were
12 located, and where you needed to take them?

13 A If you're asking me if we had personal
14 conversations, we did. If you're asking me if --
15 if he gave me other business, that was his
16 function -- was to dispatch me, you know, in the
17 truck.

18 Q When -- when he dispatched you, did he
19 tell you what route to take to get to your final
20 destination?

21 A No.

22 Q All right. That was up to you, how you

1 got there; that fair?

2 A Correct. That's correct.

3 Q That's all the questions I have for you,
4 Mr. Cramer. Thank you.

5 A You're welcome.

6 MR. FITZPATRICK: Angela, do you have
7 any questions? Is she there?

8 THE WITNESS: Yeah. Are --

9 MS. MACFARLANE: I apologize at having an
10 electronic issue on -- over here. I do not have
11 any questions. And did just want to clarify for
12 the record, I apologize. Earlier, I had said that
13 we represent Ms. Futrell. I also should have
14 mentioned that we represent the third party
15 defendants, Futrell's Party Adventures and
16 Wiggins. So I just want to put that on the
17 record. My apologies. But no, I don't have any
18 questions for Mr. Cramer. Thank you.

19 RE-EXAMINATION BY COUNSEL FOR THE PLAINTIFF
20 BY MR. FITZPATRICK:

21 Q I just have a couple more follow-ups.

22 Mr. Cramer, WTC, LLC [sic], what is that corporate

1 address, and who's the registered agent for that?

2 A It's WDTC.

3 Q I'm sorry, WDTC?

4 A Yeah.

5 Q That's W as in William, D as in David, T
6 as in Thomas, C as in cat, okay.

7 A Yeah.

8 Q LLC and that's --

9 A Yes.

10 Q -- what's the corporate address? And
11 what's the registered agent's address?

12 A 1527 West State Highway 114, Grapevine,
13 Texas.

14 Q What's the zip code?

15 A 76051.

16 Q And who is the registered agent?

17 A Are you asking who the -- the CEO is or
18 the president?

19 Q No. I'm asking you if the company gets
20 sued, who accepts service of process?

21 A It's just my wife and I, so --

22 Q So, it's you at your address, then;

1 correct?

2 A That's the address site that we used
3 when we organized it.

4 Q Okay. And that's registered in Texas;
5 correct? But you live in Alabama? Was it also
6 registered in Virginia?

7 A I have no association with Virginia.

8 Q You don't do any business in Virginia?

9 A Correct.

10 Q But you were delivering in Virginia;
11 correct?

12 A Correct.

13 Q Where was your final destination in
14 Virginia?

15 A It was in Virginia. We have a -- we
16 have a drop yard or Triton has a drop yard there,
17 and that's where I was going.

18 Q Do you have any insurance? Who's your
19 insurance --

20 A No.

21 Q Who's your insurance company?

22 A I don't -- the only insurance that I had

1 was through Triton.

2 Q Okay. So, WT -- WDTC, LLC has no
3 liability insurance company?

4 A That's correct.

5 Q Have you ever had an insurance company?

6 MR. VOYLES: Objection to form. Go
7 ahead and answer.

8 THE WITNESS: Not through the company.

9 BY MR. FITZPATRICK:

10 Q Well, for who?

11 A Well, personal insurance.

12 Q Well, I'm asking you liability insurance
13 on the truck. When you drive trucks -- this is
14 the only truck you were driving or you were
15 driving other trucks?

16 A This is the only truck I was driving.

17 Q What kind of assets does WDTC, LLC have?
18 In terms of -- is it a -- I'm not asking about
19 this particular case, or any judgments about this
20 particular case. I'm just asking, is this a
21 viable company right now? Does it have cash right
22 now?

1 A It has no cash and no assets.

2 Q Okay. And how long has that gone on
3 for? With no cash, no assets?

4 MR. VOYLES: Objection to form. Go
5 ahead and answer.

6 THE WITNESS: It's a -- it's just a
7 flow-through LLC.

8 BY MR. FITZPATRICK:

9 Q And that's one -- I'm sorry, 1327 West
10 State --

11 A 15 -- 1527.

12 Q 1527 West State Highway, Suite 114?

13 A No. One -- that's Highway 114.

14 Q Highway 114. I'm sorry.

15 A Right. And it's number 292, but it's
16 just -- it's just a a box at a -- at a UPS
17 business office.

18 Q Are you authorized to accept service on
19 behalf of WT -- WDTC, LLC, service of process?

20 MR. VOYLES: Objection to form. Go
21 ahead and answer.

22 THE WITNESS: My -- my wife is -- the --

1 the answer is no.

2 BY MR. FITZPATRICK:

3 Q Okay. All right. I have no further
4 questions. Anybody else have any questions?

5 MR. GRAVES: Nothing from me.

6 MS. MACFARLANE: Nothing from me.

7 MR. VOYLES: All right. We'll read and
8 sign.

9 MR. FITZPATRICK: I'm just going to want
10 to hang on and speak to counsel. We're going to
11 dismiss Mr. Cramer and the court reporters can be
12 dismissed, as well. I would just ask for an
13 electronic, as well as a hard copy. And if Planet
14 Depos usually sends both, I'm asking you to e-mail
15 me an electronic copy and kindly send me a hard
16 copy as well. And that's it.

17 THE REPORTER: Okay. Mr. Voyles --

18 MR. FITZPATRICK: I just want to speak
19 to counsel.

20 THE REPORTER: Mr. Voyles.

21 MR. VOYLES: All right. If Mr.
22 Fitzpatrick is ordering, I will take a copy, PDF

1 only, please.

2 THE REPORTER: Mr. Graves?

3 MR. GRAVES: I'll also take a copy.

4 THE REPORTER: Ms. MacFarlane --

5 MR. GRAVES: Yeah, make -- make mine an
6 E-Tran, please.

7 THE REPORTER: E-Tran? Yep. Ms.
8 MacFarlane, did you need a copy?

9 MS. MACFARLANE: Not at this time. Thank
10 you.

11 THE REPORTER: Okay. Thank you.

12 (Off the record at 3:45 p.m.)

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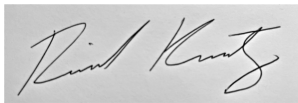
22

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22 May 20, 2024

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Krystin Spolar

Krystin Spolar, CET

Planet Depos, LLC

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